

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

KEITH AUSTIN,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Civil Action No. 21-cv-10656-DLC

**ORDER FOR TRANSFER**

**CABELL, Magistrate Judge**

On April 20, 2021, Keith Austin, now in custody at FMC Devens, filed a motion seeking a hearing pursuant to 18 U.S.C. § 4247. (D. 1). Because Austin's motion failed to identify the statutory basis for his commitment and the court that ordered his commitment, he was granted additional time to do so. (D. 3). The Order invited the United States Attorney to provide a status report concerning petitioner's commitment. *Id.*

On May 11, 2021, the government reported that the Western District of Missouri ordered Austin committed to the custody of the Attorney General pursuant to 18 U.S.C. § 4246. (D. 5). Pursuant to 18 U.S.C. § 4647(e), a risk assessment is performed annually, and the last report was filed by the government on September 9, 2020. *United States v. Austin*, 08-cv-3049-MDH (W.D. Mo. filed Feb. 6, 2008) *See* Docket at 32, *United States v. Austin*, 08-cv-3049-MDH (W.D. Mo. filed Feb. 6, 2008). On May 12, 2021, Austin filed a pleading with case number 08-3049, the case number for his civil action in the Western District of Missouri. (D. 6).

Because the proper venue for a motion seeking a discharge hearing under § 4247(h) would be with the court that ordered Austin's commitment, the court will direct the transfer of this action to the Western District of Missouri.

Based on the foregoing, it is hereby Ordered that:

1. The Court orders that this action be transferred to the United States District Court for the Western District of Missouri.
2. The Clerk shall take no action with respect to this order until 15 days from the date this order is docketed. In the event that, within such 15-day period, the plaintiff files objections to this order, the case shall be reassigned to a District Judge and the Clerk shall take no action on this order until the matter is decided by the District Judge.<sup>1</sup>

So ordered.

/s/ Donald L. Cabell  
DONALD L. CABELL, U.S.M.J.

DATED: May 13, 2021

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<sup>1</sup> See Fed. R. Civ. P. 72(a) (providing that, for non-dispositive matters adjudicated by a magistrate judge, “[a] party may serve and file objections to the order within 14 days”).